

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 12, 2004

DIVISION FIVE

B169301 People (Not for Publication)

V.
James Howard

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B174311 Los Angeles County, D.C.S. (Not for Publication)

V.
Luis G.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B174335 Los Angeles County, D.C.S. (Not for Publication)

V.
Darrell C.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (Continued)

B172473 People (Not for Publication)
v.
Jorge Sanchez

The conviction in count 1 of carjacking in violation of Penal Code section 215, subdivision (a) is reversed and the charge is dismissed. The concurrent sentence for count 3, attempted robbery in violation of Penal Code sections 664 and 211, is stayed pursuant to Penal Code section 654. The abstract of judgment for the indeterminate sentence for count 2, kidnapping for carjacking in violation of Penal Code section 209.5, subdivision (a), must be corrected to note the true finding as to the Penal Code section 1170.12 allegation and the doubling of the minimum parole eligibility date to 14 years. In all other respects, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B168031 Herman Weissker, Inc. (Not for Publication)
v.
Lexington Insurance Company

The judgment is affirmed in part and reversed in part. The trial court is directed to enter a new and different order granting Lexington Insurance Company's motion for summary judgment in its entirety and a new different judgment wholly in favor of Lexington Insurance Company. Lexington Insurance Company is awarded its costs on appeal.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

October 12, 2004 (Continued)

DIVISION FIVE (Continued)

B174554 People (Not for Publication)
v.
Kirk Green

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B169082 People (Not for Publication)
v.
Battiste Collins

The judgment is affirmed. The trial court is instructed to amend the abstract of judgment to show that appellant is entitled to 238 days of presentence conduct credits; that appellant was sentenced pursuant to section 667, subdivisions (b) through (i) and section 1170.12; and to reflect each of the 25-year to life sentences imposed for counts 3, 5, and 6.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

B172957 People (Not for Publication)
v.
Robert Cleveland

The judgment is reversed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

October 12, 2004 (Continued)

DIVISION FIVE (Continued)

B172602 People (Not for Publication)
v.
Anthony Smith

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

B174059 Los Angeles County, D.C.S. (Not for Publication)
v.
Maria R.,
Ruby R.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B171166 People (Not for Publication)
v.
Shaun Edwards

The judgment is modified to impose penalty assessments of \$50 under section 1464 and \$35 under Government Code section 76000. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

October 12, 2004 (Continued)

DIVISION FIVE (Continued)

B171324 Antonio Badajoz et al. (Not for Publication)
 v.
 ABC Unified School District et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Armstrong, J.

I concur: Grignon, Acting P.J.
I dissent: Mosk, J. (Opinion)

DIVISION SIX

B169443 People (Not for Publication)
 v.
 N.R.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.